

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.524 of 2022

ORDER:

Seeking pre-arrest bail, the present application is filed on behalf of Petitioner/Accused No.2.

2. Heard the submission of learned counsel for petitioner as well as the learned Public Prosecutor.

3. Learned counsel for petitioner submits that the petitioner has got nothing to do with the alleged offence and he is innocent, but he is falsely implicated in this case.

4. The learned Assistant Public Prosecutor submits that on the ground that the petitioner is the owner of lorry, which is involved in crime, he is arrayed as Accused No.2.

5. In the light of the above submission, the point that arises for consideration is;

Whether the petitioner is entitled to pre-arrest bail as prayed for?

6. The case of the prosecution, in nutshell, is that on 20.12.2021, a complaint was given to Police by one Narendra Kumar stating that he is working as Sr.DGM (Transport) in My Home Industries (P) Ltd., and on 15.12.2021 at 5.00 p.m., 620 bags of cement were loaded in a lorry bearing Registration No.AP16-TE-3114 and the driver was ordered to handover the said material to M/s Aleesha Constructions, Sunabedat,

Koraput, but next day information was received that the lorry was found stationed at the outskirts of Chilukur and on verification, it was found that the cement load was being unloaded at Sri Gurudatta Industries and on enquiry, the driver informed that on instructions of his owner, he is unloading the material.

7. The learned counsel for petitioner submits that the petitioner is neither the driver of the lorry nor owner and he is falsely arrayed as Accused No.2 and therefore, he is entitled to anticipatory bail.

8. The learned Assistant Public Prosecutor submits that three witnesses were examined till now. He also states that on verification, the lorry was found not in the name of petitioner.

9. No material whatsoever is found indicating the involvement of the petitioner. However, as the investigation is still in progress and as the entire material is not filed, it would not be possible to hold that the petitioner is falsely implicated. However, as *prima facie* proof is absent and as nothing is stated as to why the request should not be honoured, this Court considers it considerable to honour the request of the petitioner for granting anticipatory bail.

10. In the result, the criminal petition is allowed on the following conditions:

(i) The petitioner/Accused No.2 shall surrender before the Court of Judicial Magistrate of First Class, Suryapet, within one week from today and on such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the like sum each to the satisfaction of the said Court. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) The petitioner shall report before the concerned SHO on every Sunday between 10.30 a.m. and 1.30 p.m. till filing of charge sheet.

(iii) The petitioner/accused No.2 should not involve in any unlawful activity.

(iv) The petitioner/accused No.2 should afford all assistance for the proper investigation of the case.

(v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioner/accused No.2 should ensure his presence whenever required by the Court or Police.

(ix) Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr.CHILLAKUR SUMALATHA, J

Date: 31.1.2022
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THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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